S.B. Civil Writ Petition No.1980/06
Managing Committee, Saini Shiksha Samiti
Vs.
Balbir Prasad Verma

Date of Order : 08/03/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. C.L. Saini, for petitioner

Instant petition has been filed against the order passed by the learned trial Judge for execution of the order of Educational Tribunal dt.11th June, 2001 whereby the respondent on his retirement from service was granted benefit of selection scale, leave encashment and gratuity. After passing of order by the Educational Tribunal dt.11/6/2001, the respondent filed application for execution with regard to his three claims as referred to supra. The petitioner submitted objection and after taking note thereof, the Executing Court passed the order dt.19th September, 2005 [Ann.6]. Against the same, review application was filed that too was also rejected by the Executing Court in detail vide order dt.19th November, 2005 [Ann.9] and as a consequence whereof, the amount, which became due and payable to the respondent, has also been determined vide order

dt.12th December, 2005 by the Executing Court.

Shri Saini, counsel for petitioner submits that their objection raised with regard to payment as ordered is not in consonance with the scheme of the Act of 1989 and without examining the same, the Executing Court has passed the order of making payment which according to him is not due and payable.

I have considered the submission made by the counsel and perused the material available on record.

The learned Executing Court has taken note of the amount which became due to the respondent in three heads i.e. gratuity, leave encashment and so also selection scale and the same was determined after taking note of their objection into consideration. I have gone through the same and do not find any error in the impugned orders.

Consequently, the writ petition stands dismissed.

[Ajay Rastogi],J.

FRB